

1 STROOCK & STROOCK & LAVAN LLP
2 JULIA B. STRICKLAND (State Bar No. 083013)
3 STEPHEN J. NEWMAN (State Bar No. 181570)
4 2029 Century Park East, Suite 1800
5 Los Angeles, California 90067-3086
6 Telephone: 310-556-5800
7 Facsimile: 310-556-5959
8 lacalendar@stroock.com

6 Attorneys for Defendants
7 AMERICAN EXPRESS TRAVEL RELATED
SERVICES, INC., AMERICAN EXPRESS
CENTURION BANK and AMERICAN EXPRESS
BANK, FSB

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

11 DAVID J. LEE and DANIEL R.
12 LLOYD, individually and on behalf of
13 all others similarly situated,
14 Plaintiffs,
15 vs.
16 AMERICAN EXPRESS TRAVEL
17 RELATED SERVICES, INC., a New
York corporation, AMERICAN
EXPRESS CENTURION BANK, a
Utah corporation, AMERICAN
EXPRESS BANK, FSB, a Utah
corporation, and DOES 1 through 100,
inclusive,
18 Defendants.
19
20
21) Case No. CV-07-4765 (CRB)
)
) THE HON. CHARLES R. BREYER
)
) [PROPOSED] ORDER GRANTING
) DEFENDANTS' MOTION TO
) DISMISS
)
) DATE: November 30, 2007
) TIME: 10:00 a.m.
) PLACE: Courtroom 8
) 19th Floor
) 450 Golden Gate Ave.
) San Francisco, CA 94102
)
)

The Motion to Dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure (the “Motion”) filed by defendants (“Defendants”) in the above-captioned action came on for hearing on November 30, 2007, at 10:00 a.m. in Courtroom 8 of the above-entitled Court, the Honorable Charles R. Breyer presiding. Hale & Associates appeared on behalf of plaintiffs David J. Lee and Daniel R. Lloyd (“Plaintiffs”) and Stephen J. Newman of Stroock & Stroock & Lavan LLP appeared on behalf of Defendants.

After consideration of the evidence, pleadings, briefs and oral argument presented, as well as all other matters presented to the Court, and good cause having been shown:

IT IS HEREBY ORDERED that:

The Motion to Dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure is **GRANTED** in its entirety and the Complaint is **DISMISSED** in its entirety and without leave to amend.

IT IS SO ORDERED.

Dated:

**THE HONORABLE CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE**